

REMARKS/ARGUMENTS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Claims 9, 10 and 11 have newly been presented. Support is found in the specification at page 8, paragraph [00023].

Claims 1, 4, 5, 7 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Jones et al. (U.S. Patent 4,753,844). Applicants traverse this rejection.

Personal cleansing wipes of the substantially dry type have been well received by consumers. These wipes are activated by addition of water at the point of use. A problem with these products is their slow latherability. A need exists for a cleansing wipe of improved latherability, particularly in foam quality/stability and height.

Applicants have found that improved lather quality/stability and foam height can be achieved with a wipe that is damp rather than substantially dry, and wherein is present a water-binding agent in such amounts which would lower water activity to a range less than 0.977 but no lower than 0.001.

The Examiner stated that he "takes the position that the solvents and the surfactants [of the reference] will act to reduce the activity of the water." Applicants do not believe that the claims are anticipated or obvious even if the Examiner disregards the "water activity" parameter of the claims.

An important element of the claims is that the water be present at greater than 15% by weight of the product, but no higher than about 40%. Jones et al. does not disclose this relatively narrow but important range of water concentration. The reference repeatedly refers to an "aqueous" cleaning composition loaded onto the substrate. No specific amount of water representing the "aqueous" portion is reported in the patent. The skilled chemist is left only with the Examples to understand water content.

Examples 1-3 describe aqueous solutions ranging in water content from 84.05 to 92.50%. Example 11 indicates that towelettes were prepared by loading 10 grams each of the solutions according to Examples 1-3 onto cellulose sheets weighing about 5 grams. By calculation, the amount of water that would be present in the total impregnated sheet (i.e. product) would be from 56 to 61% by weight of the total towelette.

There is a second aspect of the claims not anticipated by the reference. Jones et al. states at column 9 (lines 26-32):

"In any event, foaming is not desired and therefore the surfactants should be chosen, and their relative content set, so as to minimize foaming. If the aqueous composition contains surfactants, the total amount of [sic] thereof can range from about 0.05 to about 2 percent by weight, preferably from 0.1 to 0.6 percent by weight."

Quite clearly, the wipes described by Jones et al. must not foam to any significant extent. This is in contrast to the primary objective of this invention in providing a product that rapidly lathers and generates a rich long lasting foam. See applicants' specification at page 4, paragraph [0008]. Independent claims 1 and 7 require that a lathering surfactant be present in an amount sufficient to foam.

Based on the foregoing reasons, Jones et al. would not anticipate the claims.

Claims 1-5, 7 and 8 were rejected under U.S.C. § 102(b) as anticipated by Fowler et al. (U.S. Patent 5,980,931). Applicants traverse this rejection.

Applicants' independent claims require that water be present at greater than 15% by weight of the product. By contrast, Fowler et al. discloses substantially dry wipes. The term "substantially dry" as used by the reference means that the product comprises less than about 10% by weight of water. See column 4, lines 23-27. Whereas applicants' wipe is a damp product, the reference requires a substantially dry one. Absent disclosure of at least 15% water in the product, the reference would not anticipate the claims.

Claims 1, 2, 4, 5, 7 and 8 were rejected under 35 U.S.C. § 103(a) as obvious over Jones et al. (U.S. Patent 4,753,844). Applicants traverse this rejection.

Applicants have previously indicated this reference explicitly teaches that "foaming is not desired". See column 9, lines 26-27. By contrast, the present invention and claims focus on a cleansing product with a lathering surfactant present in an amount sufficient to foam. Applicants' objective is to achieve a rapidly generating lather with a rich lasting foam. See page 4, paragraph [0008]. This is quite the opposite of the non-foaming systems taught by the reference. Jones et al. teaches away from the present invention and therefore would not render the instant invention obvious.

Another distinction is the failure of this reference to disclose the amount of water present at greater than 15% by weight of the product but no higher than about 40%. Those skilled in the art would not be led to a damp wipe of this relatively narrow water

content range from consideration of the disclosure in the reference. Also for this reason, Jones et al. would not render the instant invention obvious.

Claims 1-5, 7 and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over EP 870 496 A2. Applicants traverse this rejection.

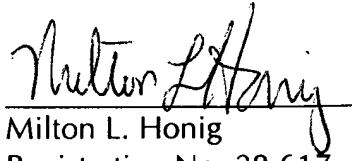
Amounts of water in the impregnated compositions range from a low of 70% up to 99% water. These levels are substantially more than the damp levels of water claimed by the present invention. A prima facie case of obviousness has therefore not been presented. EP '496 is simply a wet not a damp wipe.

Claim 6 was rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under the 35 U.S.C. § 103(a) as obvious over Fowler et al. (U.S. Patent 5,980,931). Applicants traverse this rejection.

Fowler et al. is focused upon substantially dry wipes. Amounts of water in these materials are limited to no more than about 10% by weight of water. See column 4 (lines 23-27). Fowler et al. teaches away from the present invention. Certainly the disclosure of this reference does not establish a prima facie case of obviousness.

In view of the foregoing comments, it is believed that the claims are distinguished from the references and a Notice of Allowance is requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Milton L. Honig", is written over a horizontal line.

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